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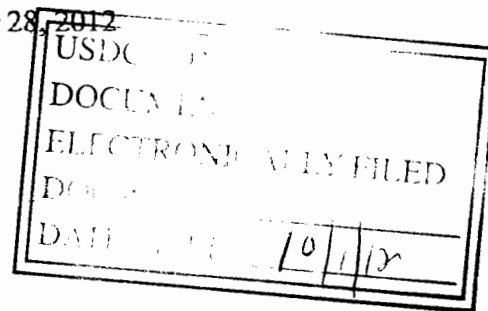
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September 28, 2012

VIA FACSIMILE (212) 805-4268

Magistrate Judge Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Atlantic Specialty Insurance et al., v. American Eagle Outfitters, Inc.

07 Civ. 8508 (BSJ)(GWG)

Sompo Japan Insurance Co. of America, as subrogee of Prada USA Corp. v. American Eagle Outfitters, Inc. 08 Civ. 3294 (BSJ)(GWG)

Federal Insurance Company et al., v. American Eagle Outfitters, Inc. 08 Civ. 2157 (BSJ)(GWG)

AE Outfitters Retail Company i/s/h/a American Eagle Outfitters, Inc. v. 575 Broadway, LLC, 575 Broadway Associates L.P., and 575 Broadway Corporation // 575 Broadway Associated, L.P. i/s/h/a 575 Broadway LLC and 575 Broadway Corporation v. Reza Khanbilvardi, Etna Consulting Structural Engineering, and The Solomon R. Guggenheim Foundation // AE Outfitters Retail Company i/s/h/a American Eagle Outfitters, Inc. v. Integrated Systems and Power, Inc. and AFA Protection Systems, Inc. // The Solomon R. Guggenheim Foundation v. Regele Builders, Inc. // The Solomon R. Guggenheim Foundation v. Thomas W. Hut.

Index No. : 1:07-cv-08508(BSJ)

D/L : 1/21/2006

Our File : ZUR-01739/SDP

Dear Judge Gorenstein:

I represent defendant third party plaintiff American Eagle Outfitters, Inc. (hereinafter "American Eagle") in the above captioned matter. I am writing Your Honor to seek your approval for the reasons cited below and with the consent of all parties for an eleven day extension of time, to October 12, 2012, to complete the final expert deposition in this matter, that of Dr. Mowrer, plaintiff Atlantic Specialty Insurance Company's fire expert.

This request if granted would not disturb the remainder of the current Scheduling Order, which mandates that Pre-Trial Motions in the matter are to be filed on or before November 1, 2012..

You may recall that this expert was substituted upon application to Your Honor by Atlantic Specialty due to the death of the previously exchanged Chief Butler. Dr. Mowrer's expert report was exchanged by September 1, 2012 in accordance with your previous amended scheduling order endorsed by Your Honor on July 17, 2012, however as Dr Mower resides in the Washington D.C. area and is a professor at the University of Maryland, scheduling conflicts for him as well as other parties have delayed any practicable scheduling of his expert deposition until October 12, 2012 at 10:00 a.m., eleven days later than the October 1, 2012 date expressed in that same Order.

Again all parties counsel have been consulted by email and have consented to this request and the scheduling of the alarm expert depositions as indicated above and below.

Accordingly we respectfully request that the current Scheduling Order, (the Third Amended Scheduling Order as further modified by endorsed letters dated March 10, 2011, August 12, 2011, October 13, 2011, January 11, 2012, March 1, 2012, May 10, 2012, and July 17, 2012) be modified to provide for the following deadlines:

- c) Expert deposition of Dr. Mowrer is to be completed on October 12, 2012; and
- d) Pre-trial motions are to be filed on or before November 1, 2012. The parties will submit a joint Pre-Trial Order in accordance with the procedures of the Honorable Barbara S. Jones within thirty (30) days after the entry of all decision(s) in response to pre-trial motions. The parties shall follow the rules of Judge Jones with respect to any pre-motion conference, filing or other requirements for dispositive motions.

Respectfully submitted,

SMITH MAZURE DIRECTOR
WILKINS YOUNG & YAGERMAN, P.C.

By: Steven D. Phillips
STEVEN D. PHILLIPS

SDP/sdp

cc: All Counsel of Record (Via E-Mail)

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Grated
SO ORDERED: DATE: 9/18/2012
Gabriel W. Gorenstein
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE